

9-66.000 PROTECTION OF GOVERNMENT PROPERTY

9-66.010 Introduction

9-66.100 Protection of Government Property -- Real Property

9-66.200 Protection of Government Property -- Personality

9-66.300 Embezzlement of Government Property

9-66.400 Protection of Public Records, Documents and Other Government Information

9-66.500 Destruction of Government Property (18 U.S.C. §§ 1361-1363, 1366)

9-66.010

Introduction

One of the principal responsibilities of the federal criminal law is the protection of government property. The property holdings of the United States, its departments and agencies are extensive and include both real and personal property in this country and abroad. In order for the Federal government to perform the wide range of duties assigned to it by law, it must have ready access to these properties and resources. Therefore it is very important that these properties be protected from any theft, misuse or misappropriation.

This chapter focuses on the series of laws that Congress has enacted which prohibit the wrongful taking or misuse of land, personal property and other resources belonging to the United States.

Supervisory authority for prosecutions involving most crimes against government property rests with the Office of Enforcement Operations of the Criminal Division. However, responsibility for certain violent crimes and those involving willful destruction of government property may rest with the Terrorism and Violent Crime Section. Prior authorization of the Criminal Division is not required for instituting these prosecutions. United States Attorneys with questions regarding the application of these laws are encouraged, however, to contact the Criminal Division for assistance. For information on investigatory jurisdiction, see the Criminal Resource Manual at 1629.

9-66.100 Protection of Government Property -- Real Property

Real Property -- 18 U.S.C. § 7

Criminal Resource Manual at 1630

Real Property -- Other Laws

Criminal Resource Manual at 1631

National Parks and Forests

Criminal Resource Manual at 1632

Natural Resources

Criminal Resource Manual at 1633

Military Bases

Criminal Resource Manual at 1634

Other Federal Buildings

Criminal Resource Manual at 1635

9-66.200 Protection of Government Property -- Personality

Personalty	Criminal Resource Manual at 1636
18 U.S.C. § 641	Criminal Resource Manual at 1637
Embezzlement of Government Property -- 18 U.S.C. § 641	Criminal Resource Manual at 1638
Definition -- "Steal or Purloin"	Criminal Resource Manual at 1639
Definition -- "Knowing Conversion"	Criminal Resource Manual at 1640
Concept -- "Sell, Convey and Dispose of Government Property Without Authority"	Criminal Resource Manual at 1641
Concept -- Receiving, Concealing or Retaining Stolen Property	Criminal Resource Manual at 1642
Definition -- Property Protected by 18 U.S.C. § 641	Criminal Resource Manual at 1643
Government Property -- Title in the name of the "United States"	Criminal Resource Manual at 1644
State and Local Programs Financed by the Federal Government	Criminal Resource Manual at 1645
Nonappropriated Funds	Criminal Resource Manual at 1646
National Guard Property	Criminal Resource Manual at 1647
Civil Air Patrol Property	Criminal Resource Manual at 1648
Goods in Transit	Criminal Resource Manual at 1649
Government Checks	Criminal Resource Manual at 1650
Seized Property	Criminal Resource Manual at 1651
Intangible Property Interests	Criminal Resource Manual at 1652
Custody of Government Property in the United States	Criminal Resource Manual at 1653
Definition -- "Or Any Property Made or Being Made Under Contract for the United States or Any Department or Agency Thereof"	Criminal Resource Manual at 1654
Element -- Intent	Criminal Resource Manual at 1655
Element -- Value	Criminal Resource Manual at 1656
Proof Problems in Section 641 Prosecutions	Criminal Resource Manual at 1657
Jurisdiction and Venue	Criminal Resource Manual at 1658

9-66.300 Embezzlement of Government Property

Other Embezzlement Provisions	Criminal Resource Manual at 1659
Embezzlement by Court Officers	Criminal Resource Manual at 1660
Embezzlement of Public Funds	Criminal Resource Manual at 1661
Miscellaneous Theft of Government Property Statutes	Criminal Resource Manual at 1662

9-66.400 Protection of Public Records, Documents and Other Government Information

Protection Of Public Records and Documents	Criminal Resource Manual at 1663
Theft of Government Information	Criminal Resource Manual at 1664
Disclosure of Confidential Government Information	Criminal Resource Manual at 1665

9-66.500 Destruction of Government Property (18 U.S.C. §§ 1361-1363, 1366)

The Federal Bureau of Investigation (FBI) has the authority to investigate offenses under 18 U.S.C. §§ 1361-1363, 1366. Terrorism and Violent Crime Section (TVCS) has supervisory authority. Attorneys can be reached at (202) 514-0849.

See the following sections of the Criminal Resource Manual for a discussion of the statutes that can be used to prosecute destruction of government property

18 U.S.C. § 1361	Criminal Resource Manual at 1666
Related Statutes	Criminal Resource Manual at 1667
Malicious Mischief -- Communication lines, stations or systems -- 18 U.S.C. § 1362	Criminal Resource Manual at 1668
Application of Section 1362 to Commercial Radio Stations	Criminal Resource Manual at 1669
Other Statutes Affected	Criminal Resource Manual at 1670
Malicious Mischief -- Buildings or property within special maritime and territorial jurisdiction -- 18 U.S.C. § 1363	Criminal Resource Manual at 1671
Other Statutes Affected	Criminal Resource Manual at 1672
Malicious Mischief -- Destruction of energy facility -- 18 U.S.C. § 1366	Criminal Resource Manual at 1673
